

## REMARKS

After a receiving an office action requiring restriction dated July 9, 2002, applicants elected Group III. To comply with this election the preceding claims (1, 3, 18, 21, 28, 33, 38, 40, 42, 44, and 46) have been amended and claims 4-17 and 34-37 have been canceled.

### Rejection Based on Double Patenting

In the Office Action dated September 24, 2002 a double patenting objection was raised over claims 1-52 of copending Application No. 09/912677. Applicants have expressly abandoned copending Application No. 09/912677. Included with this Amendment A is a copy of the Declaration of Abandonment in Accordance with 37 C.F.R. 1.138, as submitted in Application No. 09/912,677.

### Objection to Claim 17

Claim 17 was objected to as being of improper dependent form for failing to limit the subject matter of a previous claim. Applicants respectfully traverse the objection and request withdrawal of the same. Claim 17 has been cancelled.

### Conclusion

This amendment addresses the points of the Official action and places the claims in condition for allowance. Allowance of claims 1-3, 18-33, and 38-52 is respectfully requested.



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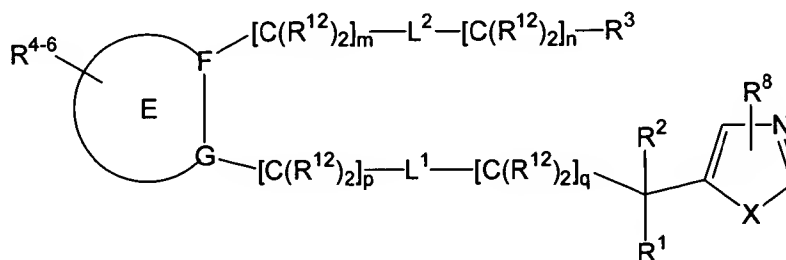
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MARKED UP VERSIONS OF THE CLAIMS TO SHOW CHANGES MADE

In Accordance with 37 C.F.R. 1.121(c)(1)(ii)

1 (Amended). A compound of formula (I)



(I),

or a therapeutically acceptable salt thereof, wherein

E is a [five-,] six-, or seven-membered aromatic [or non-aromatic] carbocyclic ring [wherein from zero to three carbon atoms are replaced by nitrogen;] in which

F and G are [independently selected from the group consisting of C and N; with the proviso that when one of F and G is N, the other is] C;

L<sup>1</sup> is O;

[and] L<sup>2</sup> is [are each independently] selected from the group consisting of a bond, C<sub>2</sub> alkenylene, C<sub>2</sub> alkynylene, O, NR<sup>9</sup>, C(O), S, S(O), SO<sub>2</sub>, SO<sub>2</sub>NR<sup>9</sup>, NR<sup>9</sup>SO<sub>2</sub>, C(O)NR<sup>9</sup>, NR<sup>9</sup>C(O), and CO<sub>2</sub>;

X is [selected from the group consisting of S and] NR<sup>7</sup>;

R<sup>1</sup> is selected from the group consisting of aryl, arylalkyl, heterocycle, and (heterocycle)alkyl;

R<sup>2</sup> is selected from the group consisting of hydrogen, alkoxy, alkyl, amino, aminoalkyl, cyano, cyanoalkyl, cycloalkyl, cycloalkylalkyl, halo, haloalkyl, heterocycle, (heterocycle)alkyl, hydroxy, and hydroxyalkyl;

R<sup>3</sup> is selected from the group consisting of aryl, heterocycle, and cycloalkyl;

R<sup>4-6</sup> are each independently selected from the group consisting of hydrogen, NR<sup>9</sup>C(O), C(O)NR<sup>9</sup>, alkanoyl, alkenyl, alkoxy, alkoxyalkyl, alkyl, alkylsulfonyl, alkynyl, amido, amino, aminoalkyl, aminosulfonyl, aryl, arylalkyl, aryloxy, arylsulfonyl, azido, carboxy, cyano, cyanoalkyl, cycloalkyl, cycloalkylalkyl, halo, haloalkoxy, haloalkyl, heterocycle, (heterocycle)alkyl, hydroxy, hydroxyalkyl, nitro, nitroalkyl, oxo, and thio(oxo);

R<sup>7</sup> is selected from the group consisting of hydrogen, alkyl, aryl, cycloalkyl, cycloalkylalkyl, heterocycle, (heterocycle)alkyl, and trialkylsilyl;

R<sup>9</sup> is selected from the group consisting of hydrogen, alkoxyalkyl, alkyl, amidoalkyl, aminoalkyl, aryl, arylalkyl, cycloalkyl, cycloalkylalkyl, carboxyalkyl, heterocycle, (heterocycle)alkyl, hydroxyalkyl, and a nitrogen protecting group;

each  $R^{12}$  is independently selected from the group consisting of hydrogen, alkoxy, alkyl, amino, halo, and hydroxy;  
m is 0, 1, 2, 3 or 4;  
n is 0, 1, 2, 3 or 4;  
p is 0, 1, 2, 3 or 4; and  
q is 0, 1, 2, 3 or 4.

3 (Amended). A compound according to Claim 2 wherein

**[ $L^1$  is selected from the group consisting of O and  $C_2$  alkynylene;]**

$L^2$  is selected from the group consisting of a bond,  $NR^9SO_2$ , and  $C(O)NR^9$ ;

wherein each group is drawn with its left end attached to F and its right end attached to  $R^3$ ;

**[X is  $NR^7$ ;**

$R^2$  is selected from the group consisting of hydrogen and hydroxy;

$R^3$  is selected from the group consisting of aryl and heterocycle;

$R^{12}$  is hydrogen; and

p is 0 or 1.

18 (Amended). A compound according to Claim [17] 3 wherein one of  $R^{4-6}$  is cyano.

21 (Amended). A compound according to Claim [17] 3 wherein one of  $R^{4-6}$  is halo.

28 (Amended). A compound according to Claim 27 selected from the group consisting of  
4-(((2',5-dichloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

**4-(((5-CHLORO-2'-METHYL(1,1'-BIPHENYL)-2-YL)METHOXY)(1-METHYL-1H-IMIDAZOL-5-YL)METHYL)BENZONITRILE;**

4-(((5-chloro-2'-methoxy(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((3',5-dichloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

**4-(((5-chloro-3'-methyl(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;**

4-(((5-chloro-3'-(trifluoromethyl)(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((5-chloro-3'-methoxy(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

**4-(((5-chloro-3'-fluoro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;**

4-(((4',5-dichloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((4-chloro-2-(1-naphthyl)benzyl)oxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((3'-amino-5-chloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

3'-chloro-6'-(((4-cyanophenyl)(1-methyl-1H-imidazol-5-yl)methoxy)methyl)(1,1'-biphenyl)-3-carbonitrile;

4-(((2'-acetyl-5-chloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((4'-acetyl-5-chloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((4'-tert-butyl-5-chloro(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

4-(((5-chloro-3'-ethoxy(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile;

N-(5'-chloro-2'-(((4-cyanophenyl)(1-methyl-1H-imidazol-5-yl)methoxy)methyl)(1,1'-biphenyl)-3-yl)acetamide;

4-(((5-chloro-4'-(trifluoromethyl)(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile; **and**

4-(((5-chloro-3'-formyl(1,1'-biphenyl)-2-yl)methoxy)(1-methyl-1H-imidazol-5-yl)methyl)benzonitrile; **and**

**4-(3-(3',5-dichloro(1,1'-biphenyl)-2-yl)-1-hydroxy-1-(1-methyl-1H-imidazol-5-yl)-2-propynyl)benzonitrile].**

33 (Amended). A compound according to Claim 32 wherein

**[L<sup>1</sup> is selected from the group consisting of NR<sup>9</sup> and O;**

**X is selected from the group consisting of NR<sup>7</sup> and S; and]**

R<sup>2</sup> is selected from the group consisting of amino, halo and hydroxy.

38 (Amended). A compound according to Claim 33 wherein

**[L<sup>1</sup> is O;]**

**[X is NR<sup>7</sup>;**

$R^2$  is hydroxy; and  
 $R^{21}$  is aryl.

40 (Amended). A compound according to Claim 33 wherein

[ $L^1$  is O;]

[X is  $NR^7$ ];

$R^2$  is hydroxy; and

$R^{21}$  is heterocycle.

42 (Amended). A compound according to Claim 33 wherein

[ $L^1$  is O;]

[X is  $NR^7$ ];

$R^2$  is halo; and

$R^{21}$  is aryl.

44 (Amended). A compound according to Claim 33 wherein

[ $L^1$  is O;]

[X is  $NR^7$ ];

$R^2$  is halo; and

$R^{21}$  is heterocycle.

46 (Amended). A compound according to Claim 33 wherein

[ $L^1$  is O;]

[X is  $NR^7$ ];

$R^2$  is amino; and

$R^{21}$  is aryl.